IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

MFA.No. 844 of 1996()

IC.59/1992 of EMPLOYEES INSURANCE COURT, ALAPPUZHA
.....

APPELLANT - OPPOSITE PARTY:

THE REGIONAL DIRECTOR, ESI CORPORATION,
THRISSUR.

BY ADV. SMT.T.D.RAJALAKSHMI

RESPONDENT - APPLICANT:

M/S. REGAL CLOSURERS, PONNURUNNI,
VYTTILA, KOCHI - 19, REPRESENTED BY
ITS MANAGING PARTNER.

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 17/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

==========

M.F.A. NO. 844 OF 1996

==========

Dated this the 17th day of September, 2007

J U D G M E N T

The case was posted for curing defects. This appeal arises from a common judgment passed in I.C. No.15 and 59 of 1992 on the file of the Employees' Insurance Court, Alappuzha. This appeal is filed against the judgment in I.C. No.59 of 1992. Appellant also filed M.F.A. No.406 of 1994 against the judgment in I.C. No.15 of 1992. That appeal was dismissed on merits by a Division Bench of this Court on 30.10.2001. In view of the judgment passed in M.F.A. No.406 of 1994, the contention of the appellant that in fact there were more than 10 employees working in the establishment as on 1.4.1989 cannot be accepted. So even if the defect is cured, no relief can be granted to the appellant in view of the principle of res judicata. So, the appeal is only to be dismissed.

In the result, appeal is dismissed.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

==========

M.F.A. NO. 844 OF 1996

==========

J U D G M E N T

17TH SEPTEMBER, 2007